



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 7, 2018

Terry L. Turpin
Director, Office of Energy Projects
Federal Energy Regulatory Commission
Washington, D.C. 20426

**Re: OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline LLC
CP16-10-000**

Dear Mr. Turpin,

On August 3, 2018, the Federal Energy Regulatory Commission (FERC) issued a stop work notification to Mountain Valley Pipeline, LLC (MVP) and directed MVP to "provide an interim right-of-way and work area stabilization plan" to FERC within five days "for written approval" by FERC.¹ To ensure the protection of water quality, the Department of Environmental Quality (DEQ) expects all of the conditions in Virginia's 401 Water Quality Certification No. 17-001² issued to MVP will remain in full force and effect throughout the duration of the stop work period. **This includes, but is not limited to, Condition 13, which mandates compliance with the requirements of the Stormwater Management Act (Va. Code § 62.1-44.15:24, *et seq.*) and the Erosion and Sediment Control Law (Va. Code § 62.1-44.15:51).**³

FERC's notification to MVP stated: "MVP is hereby notified that construction activity along all portions of the Project and in all work areas must cease immediately, with the exception

¹ Letter from Terry L. Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission, to Matthew Eggerding, Counsel, Mountain Valley Pipeline LLC (Aug. 3, 2018), available at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14993042> [hereinafter Turpin, *Notification of Stop Work Order*].

² Certification No. 17-001, 401 Water Quality Certification Issued To Mountain Valley Pipeline, LLC (Dec. 8, 2017), available at https://www.deq.virginia.gov/Portals/0/DEQ/Water/Pipelines/MVP_Certification_Final.pdf [hereinafter Certification No. 17-001].


³ *Id.*

of any measures deemed necessary by those land managing agencies or FERC staff to ensure the stabilization of the right of way and work areas.”⁴ Additionally, the notification directed MVP to “within 5 days . . . provide an interim right-of-way and work area stabilization plan for review and written approval by the Director of the Office of Energy Projects.”⁵

While FERC’s August 3, 2018 letter to MVP does not reference Virginia’s stormwater and erosion and sediment control requirements, the conditions in Virginia’s 401 Water Quality Certification No. 17-001, issued to MVP on December 8, 2017, require compliance with these programs during all aspects of the MVP project, including the duration of the stop work period. Specifically, 401 Water Quality Certification No. 17-001 provides, in part: “13. The Owner shall comply with the requirements of the Stormwater Management Act (Va. Code § 62.1-44.15:24, *et seq.*) and the Erosion and Sediment Control Law (Va. Code § 62.1-44.15:51).”⁶

DEQ expects MVP’s interim right-of-way and work area stabilization plan and all activities that take place during the stop work period to fully comply with the requirements contained in Virginia 401 Water Quality Certification No. 17-001, the Stormwater Management Act, Erosion and Sediment Control Law, the Stormwater Management Program Regulations, and the Erosion and Sediment Control Regulations. Please do not hesitate to contact Melanie Davenport at melanie.davenport@deq.virginia.gov or (804) 698-4038 if you have any questions about Virginia’s requirements.

Sincerely,



Jeffery A. Steers
Director of Central Operations

⁴ Turpin, *Notification of Stop Work Order* *supra* note 1.

⁵ *Id.*

⁶ Certification No. 17-001 *supra* note 2.